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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION**

LORI WAKEFIELD, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

VISALUS, INC., a Nevada corporation,

Defendant.

Case No.: 3:15-cv-01857-BR

**PLAINTIFF'S UNOPPOSED
MOTION TO EXTEND TIME TO
RESPOND TO DEFENDANT'S
MOTION TO STAY**

LOCAL RULE 7.1 CERTIFICATION

The undersigned certify that counsel for Lori Wakefield (“Wakefield” or “Plaintiff”) and Defendant ViSalus, Inc. (“ViSalus” or “Defendant”) conferred prior to the filing of this motion and that Defendant does not oppose the relief requested herein.

MOTION

Pursuant to Local Rule 16-3, Plaintiff Wakefield, by and through her undersigned counsel and without opposition from Defendant ViSalus, hereby moves the Court to enter an Order briefly extending her deadline to respond to Defendant’s Motion to Stay. In support of the instant Motion, Plaintiff states as follows:

1. Plaintiff filed this Action on October 10, 2015. (Dkt. 1.)
2. After receiving an extension of time to file its Answer (Dkt. 15), on December 29, 2015, Defendant filed a motion requesting to stay the litigation pending the Supreme Court’s decision in *Campbell-Ewald Co. v. Gomez*, 135 S.Ct. 2311 (2015) and *Spokeo, Inc. v. Robins*, 135 S.Ct. 1892 (2015) (the “Motion”). (Dkt. 20.)
3. Pursuant to Local Rule 7-1(e)(1), Plaintiff’s deadline to oppose Defendant’s Motion is January 12, 2016 and Defendant’s reply in support is due on January 26, 2016.
4. Although Plaintiff’s counsel is diligently working to prepare its opposition to Defendant’s Motion by the January 12th deadline, Plaintiff’s counsel believes they will need an additional seven (7) days to file Plaintiff’s response.
5. Good cause exists for granting the requested extension to account for the fact that Defendant’s Motion was filed during the holiday season and because Plaintiff’s counsel has various other professional obligations and briefs due in other matters in the upcoming week.

6. Plaintiff's counsel conferred with counsel for Defendant and is authorized to state that Defendant has no opposition to the requested extension of the current briefing schedule, such that Plaintiff's response is due no later than January 19, 2016 and Defendant's reply is due no later than February 2, 2016.

7. Finally, the relief requested herein is not sought for any improper purpose and the extension will not affect any other existing deadlines in this Action.

CONCLUSION

WHEREFORE, Plaintiff Lori Wakefield, without opposition from Defendant respectfully requests that the Court enter an Order (i) granting the instant motion, (ii) extending the deadline to file her opposition to Defendant's Motion to Stay from January 12, 2016 to January 19, 2016, and likewise extending Defendant's deadline to file its reply in support of its Motion from January 26, 2016 to February 2, 2016; and (iii) awarding such other and further relief as the Court deems reasonable and just.

DATED this 8th day of January, 2016.

/s/ Eve-Lynn J. Rapp

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CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing ***Plaintiff's Unopposed Motion to Extend Time to Respond to Defendant's Motion to Stay***:

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by the following indicated method or methods on the date set forth below:

- ☒ **CM/ECF system transmission.**
- ☐ **E-mail.** As required by Local Rule 5.2, any interrogatories, requests for production, or requests for admission were e-mailed in Word or WordPerfect format, not in PDF, unless otherwise agreed to by the parties.
- ☐ **Facsimile communication device.**
- ☐ **First-class mail, postage prepaid.**
- ☐ **Hand-delivery.**
- ☐ **Overnight courier, delivery prepaid.**

DATED this 8th day of January, 2016.

/s/ Eve-Lynn J. Rapp